

HRNG-H.R. 120046-93d
8/1/74

June 17, 1974

Honorable William E. Colby
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Director:

The Foreign Operations and Government Information Subcommittee has scheduled hearings on H. R. 12004, a bill to amend the Freedom of Information Act to provide for the classification and declassification of official information in the interest of national defense.

We would appreciate your designating a witness to represent the agency at these hearings, to be held on Thursday, August 1, at 10:00 a.m. in Room 2154, Rayburn House Office Building.

In addition to specific views and discussion of the legislation itself, we would appreciate having your witness' statement also address itself to the operation of Executive Order 11652 in your agency since it became effective some two years ago. If further information as to the detailed scope of the Subcommittee's areas of inquiry at these hearings is desired, the Subcommittee's Staff Director, Mr. William G. Phillips, may be contacted on 225-3741.

As required under the Committee rules (copy enclosed), it will be necessary for you to provide 50 advance copies of your prepared statement to Mr. Phillips, in Room B-371B, Rayburn House Office Building, Washington, D.C. 20515, by 10:00 a.m. Wednesday, July 31.

Honorable William E. Colby
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With best regards,

Sincerely,

WILLIAM S. MOORHEAD
Chairman

Enclosures
WSM:wpn

NEW YORK TIMES
June 9, 1974

C.I.A. CHIEF SEEKS SECURITY POWERS

**Wants Law for Enforcing
Intelligence Protection**

By DAVID BINDER

Special to The New York Times

WASHINGTON, June 8 — William E. Colby, the director of Central Intelligence, is seeking legislation that would give him powers to enforce the protection of intelligence secrets and provide a penalty of 10 years in prison or a fine of \$10,000 for violations.

The request, accompanied by a three-page draft of a bill amending the National Security Act of 1947, was sent out to Nixon Administration officials and Congressional leaders on Jan. 14.

But it became public knowledge only when it was issued last Monday by the United States Court of Appeals in Richmond, appended to a brief submitted by the Central Intelligence Agency in a still running battle over secrecy powers.

The genesis of Mr. Colby's request is in his court struggle with Alfred A. Knopf, Inc., publishers of the soon to be distributed book, "The C.I.A. and the Cult of Intelligence," by Victor L. Marchetti and John D. Marks.

Mr. Marchetti was a C.I.A. employee from 1955 to 1969 and the book draws heavily on his experience and knowledge of agency operations.

Last September Mr. Colby, who had just taken over as director of Central Intelligence and head of the agency, sought court assistance to require 339 deletions of what he and his associates considered to be classified and highly sensitive information. The proposed deletions total almost 100 pages of the 530-page manuscript.

Set Limit of 27

After a series of court encounters between the C.I.A. and Knopf and the authors—much of the time being spent in closed sessions—Judge Albert V. Bryan Jr. ruled in the United States District Court in Alexandria, Va., that only 27 passages could and should be properly deleted.

The case is now before the United States Court of Appeals for the Fourth Circuit, in Richmond, and Mr. Colby evidently intends to fight it to the end because he feels the C.I.A. would be naked without the

power to enforce its secrecy oath upon employees and former employees.

Upon acceptance in the C.I.A., new employees are now required to sign a paper committing themselves to refrain from passing on intelligence secrets, even after leaving the agency. But the Marchetti case has shown that at least some courts are unwilling to uphold the validity of these oaths by applying penalties or restraining orders or injunctions against publishing.

Mr. Colby has explained that he decided to seek the new legislation to give him the muscle to enforce the C.I.A.'s secrecy and intelligence classification regulations.

Authority Defined

The draft bill for amendment of the National Security Act, prepared by C.I.A. legal experts, proposes that the Director of Central Intelligence be "responsible for protecting intelligence sources and methods from unauthorized disclosure." It would give the director authority over employees of the Government, members of the armed forces and contractors of the Government as well as their employees insofar as they come into contact with secrets.

It would further give the C.I.A. chief the power to define the "intelligence" in question and defines those subject to prosecution as only those "authorized" to receive such information. Others would be immune from prosecution.

In addition, it provides for court procedures "in camera"—that is, closed to the public—to review intelligence cases brought up by the director. Finally, it provides for injunctions to prevent acts such as publication of the Marchetti book.

A C.I.A. spokesman emphasized in a telephone interview that the draft bill was by no means the last word on the subject, and, indeed, the request has been shuffled between the Office of Management and Budget and the Justice Department ever since it was first submitted almost five months ago.